

# **SECTION 4**

## **MINUTES**

**CHARTER REVIEW COMMITTEE**  
**Minutes for September 1, 2011, at 5:30 p.m.**

**In Attendance:** Gary Alver, Committee Member  
Raj Chahal, Committee Member  
Dave DeLozier, Chair, Committee Member  
Karen Hardy, Committee Member  
Yuki Ikezi, Committee Member  
Dr. Mohammed Nadeem, Committee Member  
Mike O'Halloran, Committee Member  
Teresa O'Neill, Vice Chair, Committee Member  
Vilma Palette, Committee Member  
James Rowen, Committee Member  
Steven Silva, Committee Member  
Ralph Sivilla, Committee Member  
Keith Stattenfield, Committee Member  
Eric Stroker, Committee Member  
Sameena Usman, Committee Member  
Peter Yoon, Committee Member

Rod Diridon, Jr., City Clerk  
Cris Evans, Executive Assistant to the City Attorney  
Julia Hill, Assistant City Attorney  
Jennifer Sparacino, City Manager

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**Matters for Council Action:** None.

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1. **Call to Order.** The meeting was called to order by Chair DeLozier at 5:31 p.m.
2. **Overview of Agenda.** The City Manager briefly summarized the topics on the Agenda, including behavioral standards expected of Committee Members and the Brown Act, mentioning that the Agenda had been posted pursuant to requirements in the Brown Act and that all materials would be posted online 24-48 hours after the meeting. She made clear that the Committee would rely on the legal opinions of the Assistant City Attorney. She indicated that Steve Chessin, President, Californians for Electoral Reform, would give a presentation on various methods of elections later in the meeting, and pointed out that he was an advocate for proportional representation and cumulative voting.

**A. Role of Committee.** The City Manager reviewed the statement of direction from the City Council:

The Committee would review the Charter provisions governing the manner of electing members of the City Council, consider alternatives to the current at-large system and make a recommendation to the Council regarding whether to propose a charter amendment to the electorate to change from the at-large system to a different manner of

electing members of the Council. The Committee's charge would be limited to this issue.  
(Excerpt from July 12, 2011 Agenda Report to Council)

There were questions related to the direction of the City Council, including whether term limits were a part of the direction, and the Chair stated that he did not think term limits were a part of the Council's mandate. A handout was provided entitled "Council Direction to the Charter Review Committee."

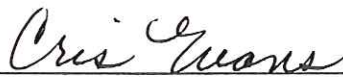
**B. Behavioral Standards for City Committees and Response to Questions re: Brown Act.** The City Manager reiterated that all Committee Members have the right to disagree, but they all must have respect for each others' viewpoints. The Assistant City Attorney reviewed a few of the Brown Act exceptions including a discussion about sharing information with others (pertinent to the Committee's mandate and discussion) and that it should not happen outside of the Committee meetings; information should be brought to the publicly noticed meetings and shared or forwarded to the City Manager's Office. A handout was provided entitled "Legal Issues."

3. **Review of Options for Electing City Council Members/Response to Committee Questions from August 18<sup>th</sup> Meeting.** The City Clerk reviewed and clarified some questions from the previous meeting regarding population size in 1972, (91,200); preclusion of pulling papers for more than one seat in an election; definitions contained in the Charter of 1951, amended in 1959, wherein he confirmed that it read "A member of the council shall not serve more than two consecutive elective terms and shall be ineligible for re-election or appointment to fill a vacancy in the council until two years after such service"; and, referred to a letter dated August 26, 2011, from Lawrence Fargher, former Council Member, regarding elections and Council service. The Assistant City Attorney reviewed her memo dated September 1, 2011, entitled "Responses to Committee Questions of 8/18/11," related to ethnic breakdowns, legal challenges, population sizes of "by district" cities, and election systems in Northern California cities using Ranked Choice Voting/Instant Runoff Voting.
4. **Process for Amending the Charter.** The Assistant City Attorney briefly reviewed the process for amending the Charter, recognizing California's Constitution and Government Code regulations. There was discussion and questions were asked regarding cost differential between voting systems; the City Clerk answered that the Registrar of Voters was invited to speak at an upcoming meeting to cover that topic and others. A question was asked about process of placing an amendment on the ballot; the Assistant City Attorney replied that it must be 88 days before an election.
5. **Laws Affecting Method of Electing Members of Council.** Not covered.  
**A. Federal Voting Rights Act [FVRA].** Not covered.  
**B. California Voting Rights Act [CVRA].** Not covered.
6. **Results of 2010 Federal Census.** Not covered.
7. **Presentation on Proportional Representation and Cumulative Voting.** Chair DeLozier made reference to the fact that the Committee meetings have been running overtime and that



he would give Mr. Chessin thirty minutes for his presentation on proportional representation, cumulative voting and various other election systems; also, Robert Rubin, representative of Lawyers Committee for Civil Rights of the San Francisco Bay Area, would be given time to discuss and advocate for district elections. Mr. Chessin's presentation was given via slides on an overhead projector, and there was no handout. He referred to a book, "To Keep or to Change First Past the Post? The Politics of Electoral Reform" as a good reference. He discussed proportional representation/majority rule, semi-proportional, closed list system, open list system, choice voting system, cumulative voting system, even and equal voting system, and various other hybrid systems of elections. Following Mr. Chessin's presentation, there were questions related to the various components of the different election systems, including how the Asian/Latino majority/minority voters were represented in the City and how proportional representation based on race would/would not work with so many diverse races in the City's current population. Mr. Rubin promoted district elections and also discussed the California Voting Rights Act (CVRA) relating to drawing lines of majority minority districts without gerrymandering; he discussed that a coalition district could be made up of one minority group together with another minority group voting cohesively making a 51% majority minority; he also mentioned that money factors less in district elections and promotes candidates who are not wealthy. There was discussion following Mr. Rubin's presentation about whether drawing districts could increase polarization, how districts would/could be drawn, and whether the CVRA and Federal Voting Rights Act (FVRA) would be violated by changing to certain election systems.

8. **Existing City Programs Encouraging Participation in City Government & the Election Process.** Not covered.
9. **Committee Discussion & Referrals of Follow-up for Next Meeting.** Motion was made by Committee Member Stattenfield to accept and seconded by Committee Member Usman to approve the Minutes of August 18, 2011, passed unanimously.
10. **Next Meeting Scheduled for September 22, 2011 at City Council Chambers.**
11. **Public Presentations.** James Mathre discussed past elections/candidates/minority representation in the City. He said he would forward his handout to the City Manager's Office to post on the City website.
12. **Adjournment at 7 p.m.** The meeting adjourned at 7:27 p.m. to Thursday, September 22, 2011, at 5:30 p.m., in the Council Chambers, 1500 Warburton Avenue, Santa Clara, CA.

Prepared by:   
CRIS EVANS  
Executive Assistant to the City Attorney

Approved:   
JENNIFER SPARACINO  
City Manager

8/30/11

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**CHARTER REVIEW COMMITTEE**  
**Minutes for August 18, 2011, at 5:30 p.m.**

**In Attendance:**

Gary Alver, Committee Member  
Raj Chahal, Committee Member  
Dave DeLozier, Chair, Committee Member  
Karen Hardy, Committee Member  
Yuki Ikezi, Committee Member  
Dr. Mohammed Nadeem, Committee Member  
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**Matters for Council Action:** None.

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1. **Welcome/Introductions; Orientation to Committee Process.**
  - A. **Role of Committee.** The meeting was called to order by City Manager Jennifer Sparacino at 5:31 p.m., who welcomed the Committee members and introduced City staff. The City Manager discussed the role of staff to support the Committee in preparing reports, researching questions and bringing forward informational data. She discussed the role of the Committee Members, highlighting:
    - direction from the City Council to review the City Charter provisions regarding election of City Council, considering the current system and alternatives to at large elections;
    - single focus = election process for City Council, not other elected positions or other parts of the City Charter;
    - advisory role only; City Council has ultimate decision making authority, but Committee will make a recommendation to City Council whether or not to propose a Charter amendment to the voters to change from the current at large election system to a different manner of electing City Council;
    - Agenda Report to be written by staff and presented to City Council at 10/11/11 meeting;



- it is a privilege to serve on the Committee and members should retain their objectivity and conscientiously work on the issues at hand; and,
- a majority (9 votes) of the Committee is needed to make a recommendation to City Council.

The City Manager asked Committee Members to introduce themselves and then she asked the audience members present to introduce themselves since there were less than ten people present.

**B. Review of Binder Materials.** The City Manager reviewed the binder that was provided to each Committee Member and noted a letter sent June 2, 2011, by Mr. Robert Rubin of the *Lawyers Committee for Civil Rights of the San Francisco Bay Area*.

2. **Review of Brown Act.** The Assistant City Attorney gave a brief overview of the Brown Act, noting that meetings are open and public; agendas are published and posted prior to the meetings; and, discussion should take place at the meetings, not behind closed doors or in e-mail communications.

A Committee Member asked that members only discuss the items listed on the published agenda and table new information/questions for upcoming meetings.

3. **Election of Chair and Vice Chair.** The City Clerk indicated that Robert's Rules of Order would be followed and explained the role of Chair and Vice Chair.

A Committee Member asked if there were "tips" to Robert's Rules of Order. The City Clerk said there was a booklet that was provided to other City Commissioners when they are appointed and that he would make that available if the Committee Members wanted to review it.

The City Clerk continued by asking if there were Committee Members that wanted to nominate a Chair and Vice Chair. Committee Member Rowen nominated Committee Member DeLozier for Chair; Committee Member Stattenfield nominated Committee Member O'Neill for Vice Chair. A hand count was shown and both nominations were passed unanimously. Both Committee Member DeLozier and Committee Member O'Neill accepted the nominations.

4. **History of City Charter Provisions for Election of City Council.** The City Clerk reviewed the memo (at Binder Tab 9) dated 8/18/11 regarding the history of the City Charter and election provisions, including the election process history. During his review, there were questions by Committee Members and answers were provided. The Chair asked that the Committee let the City Clerk finish his presentation of the history of elections before asking further questions. The City Clerk continued his discussion of consideration of barriers of entering the election process by individuals, indicating that it should be basic but it is not.

Numerous Committee Members had questions related to the history of elections, demographic considerations and term limits.

The Chair asked if review by the Committee would be limited to certain Charter sections. The Assistant City Attorney responded that two sections are included in the Committee's mandate: Charter sections 600 (City elected officers) and 700.1 (Elections-Designation of seats).

5. **Review of Current Charter Provisions for Election of Council Members.** The Assistant City Attorney reviewed the PowerPoint slide (at Binder Tab 9) regarding Charter sections 600 and 700.1, and discussed the "at large by seat" election process the City now uses.
6. **Other Methods of Electing Council Members.** The Assistant City Attorney continued her PowerPoint presentation and noted the page entitled "Election Information, Cities and Towns in Santa Clara County," reviewing various voting systems now being used by different cities in Santa Clara County, throughout California, and the nation, including at large, by district, from district, cumulative voting and proportional representation.

Numerous questions were asked by the Committee, some of which were answered and others that would be answered at upcoming meetings, including:

- What is the census make-up of Santa Clara County cities?
- Are there differences between general law cities and charter cities in California related to the number of them getting sued over their election processes?
- What is the history of legal challenges related to voting/election processes?
- If the Committee voted to use "by district" or "from district" voting, how are districts drawn?
- What is the population break-down of cities that have districts?
- How is proportional voting counted?
- What is the percentage of registered voters? How many vote in any given election?
- What is Oakland's method for ranked voting or IRV?
- Will the Committee be educated on the California Voting Rights Act in an upcoming meeting?
- Will more information be forwarded regarding demographics related to the election processes?
- "Who" has voted in the last two elections?

7. **Next Meeting Scheduled for September 1, 2011.**

A. **Topics for Future Meetings.** The Assistant City Attorney fielded questions that she could answer and noted that more information would be provided at future meetings, including a report and presentation by a Demographer under contract with the City.

A Committee Member questioned why there was no tab in the binder related to the Council's charge to the Committee, and asked what the parameters are that the Committee is supposed to be looking at.



The City Manager responded by stating that she would prepare a hand out for the next meeting with the City Council's mandate to the Committee.

8. **Public Presentations.** The Committee agreed to allow each public presentation three minutes. Steve Chessin, President, Californians for Electoral Reform, began by distributing a hand out with California Constitution Article 11, Local Government, highlighting the sections related to plenary authority, and, inviting the entire Committee to attend his presentation regarding different election systems on 8/22/11 and 9/6/11. The City Manager and Assistant City Attorney interjected that it would be a violation of the Brown Act if all Committee Members attended the Citizens Advisory Committee meeting on 8/22/11 since it was not a noticed meeting for the Charter Review Committee. After further discussion, it was agreed that only members of the Citizens Advisory Committee would attend since Mr. Chessin's 8/22/11 presentation was originally scheduled for that audience. Mr. Chessin offered that he would be willing to give a presentation to this Committee at a future date. Chris Stampolis stated that he is a resident and a West Valley Mission Community College Trustee and they are also dealing with the same issues as this Committee. Dave Kadleck spoke about the Oakland and San Leandro election system.
9. **Adjournment at 7 p.m.** The meeting adjourned at 7:27 p.m. to Thursday, September 1, 2011, at 5:30 p.m., in the Central Park Library, Redwood Room, 2635 Homestead Rd., Santa Clara, CA.

Prepared by: Criss Evans  
CRIS EVANS  
Executive Assistant to the City Attorney

Approved: Jennifer Sparacino  
JENNIFER SPARACINO  
City Manager

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